

To: Jennifer Graham Meyer[JMeyer@lssh-law.com]
From: Nash, Thomas
Sent: Tue 11/25/2014 8:59:15 PM
Subject: RE: Hobart v. DPL: Horace Boesch transcript

Jennifer:

Well, that's good; I'm glad he's taking a little time off for R&R. I'll wait 'til next week. I was intrigued by the questions (and the answers!) about the way property passed by inheritance, and how the ERT was formed. I'd already heard the Tim Hoffman version of that tale many long years ago, but this account provided some fascinating tidbits, especially the details of how Kathryn's portion of the property was acquired and disposed.

There are several other points in here I'd like to discuss with Larry....like Kiefer (I met him once), Dix, and the mysterious matter of the disappearing records....who knows, when I find time to read the whole thing there may be other items of interest worth discussion. I'll call Larry next week.

Meanwhile, you have a great Thanksgiving yourself!

Thanks, Tom

-----Original Message-----

From: Jennifer Graham Meyer [mailto:JMeyer@lssh-law.com]
 Sent: Tuesday, November 25, 2014 2:34 PM
 To: Nash, Thomas
 Subject: RE: Hobart v. DPL: Horace Boesch transcript

Hi Tom,

Actually, he's out tomorrow and Friday but will be back on Monday. He might return a voicemail tomorrow or Friday though. Let me know if there is anything I can help with in the meantime.

Thanks,
 Jen

Jennifer Graham Meyer
 JMeyer@lssh-law.com

-----Original Message-----

From: Nash, Thomas [mailto:nash.thomas@epa.gov]
 Sent: Tuesday, November 25, 2014 3:31 PM
 To: Jennifer Graham Meyer
 Subject: RE: Hobart v. DPL: Horace Boesch transcript

Hi Jennifer:

Thanks for sending this, and thanks for all the exhibits that followed. I'm a little short on minutes today and only had time to dip into this transcript a little bitty bit. But, I did see something I'd like to ask Larry about. Do you know if he's working tomorrow? I know a lot of people will be on holiday Wednesday and Friday. I plan to work both days myself, and I would like to call Larry if he's in either Wed or Fri this week. Do you know his schedule?

Thanks, Tom

-----Original Message-----

From: Jennifer Graham Meyer [mailto:JMeyer@lssh-law.com]

Sent: Tuesday, November 25, 2014 2:04 PM
 To: Nash, Thomas
 Cc: Larry Silver
 Subject: Hobart v. DPL: Horace Boesch transcript

Tom,

Attached is the transcript of the deposition of Horace (Jack) Boesch. I will send the deposition exhibits in separate emails due to file size.

The testimony related to the accountant (Mr. Dix -- probably Michael Dix -- who manages the office of his father's former accountant Ed Hence, who is deceased) is on pages 91-92 and 122-124 and is excerpted below. Please let me know if you have any questions.

Pp. 91-92 (direct)

Q. Did your father use an accountant to --

A. Yes. It was Ed Hence.

Q. Hence?

A. Hence. And he's deceased. But Dix --

Q. How do you spell Hence?

A. H E N C E.

Q. Is he still alive?

A. No. He'd dead. He was on South Main Street.

Q. Does he -- does his office still exist?

A. There's a man that handles it.

It's one of the Dixes, D I X, and he's down off of -- off of northbound Dixie about -- just about -- below Dorothy Lane there. There's some white buildings, office buildings there on the right, and he's in one of those.

Q. Is this a person by the name of Dix?

A. Yes.

Q. How do you spell that, please?

A. D I X.

Q. And would that person possibly still have Ed Hence's old files?

A. Might have Ed Hence's files, yes, because he's still doing Margaret and my stepmother's tax returns.

Pp. 122-124 (cross-examination and re-direct):

Q. Mr. -- Jack, this is Steve Haughey again.

Do you know if an attorney or an accountant helped Alcine or Cyril or Kenny do their tax returns?

A. I don't know anything about Alcine or Kenny and their tax returns. I do know that Mr. Hence did Grillot and Boesch, and I think he did, but I don't know for sure, but I think he did Cyril's because Mr. Dix, who was his successor, just did Margaret Grillot's the other day. So I just assumed that he did Cyril's, too, because whatever Dad did, Cyril usually went along with. Once in a while they'd get in a -- Q. What's Mr. Dix's first name, please?

A. That's a good question. If you got a phonebook, I could probably look it up for you. I don't know if they have phone books anymore.

Q. His last name is spelled D I X?

A. Yes.

Q. And can you state again to the best of your knowledge where his office is located?

A. Yeah. It's located on northbound

South Dixie here in Kettering. Just as you come up the hill before you get to Dorothy Lane in the old shopping center there, Christopher Club, there's some white buildings on the right. I think Grant owns the bigger office building, but this is on the right. There's a white building up there. I'm trying to think of the name of that street. There's about three or four of them when they first came to town, they put them up there. But that was years ago. But he's in one of those buildings.

MR. HAUGHEY: Okay. Thank you.

That's all I have.

THE WITNESS: I know the building

because it used to be owned by Dr. O'Leary and I went to O'Leary.

MR. SILVER: Is that it, Steve?

MR. HAUGHEY: Yes, that's all.

MR. SILVER: Thank you.

REDIRECT EXAMINATION

BY MR. SILVER:

Q. Might it be Michael Dix?

A. Michael Dix might be it.

Best,
Jen

Jennifer Graham Meyer
JMeyer@lssh-law.com

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